IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3287 of 2007

Pawankumar Deshraj ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Rahul S.Kate, Advocate for the Applicant.

Mr S. S. Pednekar, A.P.P. for the State.

CORAM: V. C. DAGA,J.
DATED: 10TH OCT, 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail, under Section 439 of the Cr.P.C., in C.R. No.94 of 2007 registered with Yerwada Police Station, District Pune, for the offence under Sections 420, 465, 467, 471, read with Section 34 of the I.P.C.

4. Here, I may mention that the observations made by learned Ad-hoc Additional Sessions Judge, Pune in para 6 of the order dated 14.8.2007, while rejecting application

for bail. Para 5 of the said order reads as under:-

> "On perusal of the F.I.R., it is seen that applicant alongwith Surendrakumar Rameshkumar Verma alias Parmar Kalpesh Kantilal were taken into custody at Lohogaon Airport, Pune, on suspicion; by Immigration Officer and when in detail enquiry was conducted by that time Immigration Officer found that applicant is dealt with forged and bogus passport. Applicant was taking Surendrakumar Rameshkumar Verma alias Parmar Kalpesh Kantilal withhim to Dubai. He was found in possession of xerox copies of passports. On careful scrutiny of the F.I.R., the role of the applicant is brought on record by Investigation Officer. The defences levelled against the applicant are serious. The investigation is still going on. The Investigation Officer must be given ample opportunity so as to find out whether there is big racket in preparation of bogus and forged passport. By considering all these aspects and looking to the stage of investigation, it would not be just and proper to release the applicant on bail at this stage."

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Ad-hoc Additional Sessions Judge, Pune in its order dated 13.4.2007 in B.A.No. 869 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)